

# Exhibit B

Case 1:04-cr-00253 Document 447 Filed 05/24/2007 Page 1 of 7  
from Rodney C. Bess

To: Honorable Judge David Cesar 04 Cr 253

In concerns of some disagreement that I do not agree upon that I have raised in this motion. I do not have the proper legal materials nor am I an educated Attorney who went to law school. I never agreed to the career criminal in my plea agreement. Also my drug amount was changed after trial due to my testimony. And my Attorney never explained to me about the U.I.C.T part of the plea. When I was trying to reject to my PSI my Attorney told me that it wouldn't matter. I rejected to my background but I never explained why or what. I am asking to have my sentence corrected and a court date and a court date of May 24, 2007 and right now I'm at the MCC Building in Chicago, IL. Could you please look into the issues that I raised up.

Thank You

FILED

Rodney C. Bess

MAY 24 2007

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

FILED

AE

Rodney C. Bew vs US. 7<sup>th</sup> circuit

MAY 24 2007

Motion

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT.

Motion filed for ineffective assistance counsel. Now comes the defendant Rodney C. Bew. Files ineffective assistance counsel. Attorney Gareth G. Morris who refuse to object to the defendant Rodney C. Bew Sentence hearing and his Attorney never set down with him to point out issues concerns of the defendant PSI about incorrect background and educational background. Attorney Gareth Morris did not contest the fact that in the defendants plea or indictment had the defendants never agreed that he was a career criminal. 95cf4187 battery and 96cf battery cases were nolle prosses and should had not been charged against the defendant background. And if it were used it should have been only 1 point for each battery which were conditional discharge but was later nolle prosses and it should have not been used to enhance the defendant criminal history. A 1993 disorderly conduct charge in Hattiesburg, MS was more than 10 years old and should not been used to enhance the defendant background history. And the defendant does not agree with the 2 point enhancement for a 2000 conditional discharge for the 95cf / 96cf battery charges that were more than 2 years old before he was charged in the federal drug case in 2004. The defendant also object to the drug amount calculation which was changed after trial due to his testimony. The crack cocaine base was changed into powder cocaine. Defendant Donald Pesavento was convicted of 5 to 15 grams of crack cocaine base and the Defendant Brian Johnson was convicted of 50 grams of crack cocaine not an excess of 50 grams. Robert Knar and William Fuller and Ruben Bew drug amounts were changed to Powder Cocaine. The defendant never agreed upon the new drug amounts which were changed without a hearing.

The Government charged the drug amount to 1 kilo of crack cocaine base and 15 to 50 kilo of powder cocaine after trial. And the defendant only testified to 4.5 kilo of powder cocaine during trial. Also the defendant Attorney did not correctly advise him what the 11:1:C:1 plea actually meant. He was told that the Judge could go below his plea agreement and that the guidelines were only advisory. And to the fact that the defendant Rodney C. Ben signs his plea on the same day that it was introduced to him and was rushed into the new plea agreement. The defendant didn't understand that the plea was only for the drug conspiracy and not outside cases. Also the defendant Attorney failed to show him that there were right violation in concerns of confidential Informant Anthony Hites who was not A registered confidential Informant with the United States Justice Department. US Justice Department requires certain Criteria for Confidential Informants which requires the informants background and drug use history and mental state of mind and also the pay for each case starting at \$2500 up to \$200,000 per case for each informants. The Attorney never showed any concerns of these rights violations that the informant was paid \$1500 cash and was not registered as A U.S. Justice Department Informant. Attorney Gareth Morris was ineffective and not competent in protecting the defendant rights. The defendant Rodney C. Ben is not A educated Attorney of the law and at the time all of my Legal papers are held at FBOP FCI prisons at the time so the defendant doesn't have the proper case laws or right violation access to his Legal information at the time. The defendant ask the court to appoint him A New Attorney to assist him with his Legal CONCERNs and for his claim to be reviewed

by the courts and for the defendant to be resentenced under the correct guidelines of his criminal history and new drug amounts. The defendant also ask for A court writ for A court date to hear his motion on May 25, 2007 and for the defendant to be writ by the US Marshall Service in front of the Honorable Judge David Coar of the 7th circuit 219 S. Dearborn Federal Court house in his court room. The Defendant ask the Judge to respect and hear his motion.

Rodney C. Beau

Rodney C. Beau

May 18, 2007